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Dr. Ernst Richard of Columbia University, president of the New York German Peace Society, is very active this winter in the peace movement, giving lectures in different places on "The Foundations and Aims of the Modern Peace Movement," etc.

### Brevities.

. . . The following remonstrance against the fortification of the Panama Canal, etc., has been sent to Congress, signed by many leading members of the Society of Friends in New England and other parts of the country:

"As members of the Society of Friends in New England we protest against the proposed expenditure of the public funds for warlike preparations, and in particular we protest against the use of such funds for the fortification of the Panama Canal, and we urge the government of the United States to procure by international agreement the neutralization of the whole canal zone."

. . . On February 15, at The Hague, before a tribunal of which the Swiss Minister at Paris is president, began the arbitration of the dispute between Russia and Turkey regarding the payment of pecuniary claims to Russian subjects by Turkey arising out of the war of 1877-8. Turkey has already paid more than one million dollars of these claims, but has refused to pay interest on the capital of the indemnities, as asked by Russia. The present arbitration is of the question of interest, both governments having agreed to leave it to The Hague.

. . . Prof. Franklin H. Giddings, the distinguished sociologist of Columbia University, places the responsibility for war directly upon the shoulders of the world's great statesmen. He said, in a recent lecture, that the view that wars arise from causes beyond human control has given way to the conviction that great men are social causes, able to initiate and sway events. The man in the street unconsciously imitates these great men in opinion and desire and gives them great power for weal or woe. He advises the peace workers to direct their shafts at the minds of present day statesmen.

. . . On the 15th of February, President Nicholas Murray Butler of Columbia University, Joseph H. Choate, former Ambassador to Great Britain, and Richard Olney, former Secretary of State, appeared before the House Committee on Appropriations, and entered their protest against the fortification of the Panama Canal.

. . . On Sunday the 5th of February, two distinguished Germans, Dr. Harnack and Dr. Spiecker, were received by King George V. of England. During the interview the King uttered the following significant words:

"My dear father has been called 'The Peacemaker,' and he was a peacemaker, and I consider it my duty to follow in his footsteps. Consequently, I shall support every endeavor in the direction of promoting peace and goodwill between the nations."

. . . The British Council of Churches for promoting friendly relations between the British and German peoples was definitely inaugurated in Queen's Hall, London, on the 6th of February. This organization is the outcome of the recent efforts made in both countries through the clergy to bring into closer relations the two peoples, and is created for the continuance of work in the same direction.

. . . A motion in the French Chamber of Deputies in-

viting the government to open correspondence with the powers, Great Britain and Germany particularly, with a view to simultaneous limitation of armaments, though opposed by the Foreign Minister, carried the votes of more than one third of the members, or nearly two hundred in all.

. . . Commenting on the formation of the first workmen's Peace Society in Milan, Italy, with eighteen thousand members, *The Buffalo Times* says: "It is hard for Americans to realize the sad sincerity with which European workmen hate war. Its burden presses on them even in time of peace; they are never exempt from its oppressions, and conscription hales them from their homes, and forces them to waste several of the best years of life in obeying the commands of the drill-sergeant."

. . . A motion in the French Chamber of Deputies that the government be urged to make an effort to have the limitation of armaments placed on the program of the third Hague Conference was carried by a vote of four hundred and forty-seven to fifty-six.

. . . At a recent dinner tendered to Justice Hughes of the United States Supreme Court by the New York County Lawyers' Association, Attorney-General Wickersham, alluding to the Carnegie Peace Fund, said: "In my opinion the bar of this nation has done and is doing more for the cause of peace than can be accomplished by many times the munificent endowment referred to."

. . . Signor Tittoni, former Italian Minister of Foreign Affairs, now Ambassador to France, said at a peace dinner in Paris on February 22, that, "without wishing to detract from the importance of peace congresses and conferences, he believed that the greatest progress in the idea of universal peace had been effected by the education of the masses."

. . . In the Peace Sunday observances in Melbourne, Australia, the Acting Prime Minister, Mr. Hughes, delivered an address on arbitration to a large audience at the evening service in the Australian Church. At the morning service, Dr. Charles Strong, the pastor, spoke on "Come, Let Us Abolish War."

### The Fortification of the Panama Canal.

*The views of former Secretary of State, Richard Olney, given out in a statement on February 19.*

In the Clayton-Bulwer treaty of 1850, the United States and Great Britain agreed that neither would ever erect or maintain any fortifications commanding the canal or the vicinity thereof. The Hay-Pauncefote treaty of February 5, 1900, by clause 7, stipulated as follows:

"No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

Though this treaty did not get through the Senate, it is important to refer to it because it so clearly distinguishes between fortification of the canal and the military policing of it against lawlessness and disorder. The former was prohibited while the latter was allowed. Upon the failure of this treaty a new one was framed, which was sent to the Senate December 4, 1901, and which was ratified by the Senate and became a law December 6,

1901. How does this treaty deal with the fortification topic? It was undoubtedly matter of careful negotiation between the parties, with the result that, on the one hand, the United States made no assertion of a right to fortify, and that, on the other hand, Great Britain gave its consent to the maintenance of "such military police along the canal as may be necessary to protect it against lawlessness and disorder."

If in this regard there had been any intent to go back on the principle and policy of previous treaties,—of the treaty of 1850 and of the draft treaty of February 5, 1900,—surely the right to fortify the canal would have been conceded in express terms instead of not being mentioned at all. Nor can it be fairly argued that the United States has a right in its discretion to determine fortification to be a part of the military policing of the canal and to fortify accordingly. Fortifications mean solid, permanent and expensive structures, manned with suitable artillery and continuously garrisoned by considerable bodies of troops—things by no fair construction to be included within military policing of the canal against lawlessness and disorder.

It is a possible suggestion that, as the inhibition of fortification contained in the treaty of 1850 and the proposed treaty of February, 1900, is omitted from the treaty of December, 1901, fortification is by implication allowed. But to adopt that suggestion involves the conclusion that by failing or omitting to secure permission to fortify the canal, the United States in fact secured both the right to fortify and the right to maintain military police on the canal, a conclusion so extraordinary as to be inadmissible.

The just construction of the treaty seems to be, as already intimated, that the parties dropped the subject of fortification altogether, and submitted the liberty "to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." That view is supported by all the surrounding circumstances. The parties had in mind the case of the Suez Canal as being a precedent to be followed, and, indeed, expressly adopted as the basis of neutralization of the Panama Canal the rules applicable to the Suez Canal under the Constantinople convention of 1888.

But those rules do not reserve or give to the owner of the Suez Canal any right to fortify it—any right to treat it as mainland or coast line, and as held in absolute and unqualified sovereignty, and to be defended or otherwise dealt with accordingly. Such owner, in effect, is constituted a trustee of an international water highway for the use and benefit of all nations, and is thus left without any inducement and relieved of any necessity to fortify the canal.

It is not too much to contend, indeed it honors the United States to contend and to conclude, that it meant to assume substantially the same fiduciary position as respects the Panama Canal, and by non-insistence upon anything more than the right to maintain military police upon the canal, to assure and satisfy the world that it meant to hold and control the canal as a trustee in the interest and for the benefit of all mankind.

If, therefore, the treaty be judged by its express terms, but one rational construction can be given to it. Any claim that it leaves the United States with a free hand as to the ways and means of defending the canal is com-

pletely disposed of by the express grant to the United States of the power to use military police to protect the canal. It is a grant which restricts the general power the United States would otherwise have as the owner of the canal.

The parties negotiated with each other on the footing that Great Britain had a right to be consulted on that subject notwithstanding the ownership of the United States—with the result that Great Britain prescribed and the United States accepted a limited power in view of the general power it would have had but for the treaty.

The only answer to the foregoing interpretation of the treaty appears to be found in the Hay memorandum sent to the Senate—a memorandum which purports to be a brief account of negotiations preceding the treaty and to give Mr. Hay's view of some of the reasons for its provisions. The objections to construing a written agreement by the recollections of one or both of the parties to it are too obvious to need mention, and find apt illustration in the case under consideration.

If the negotiator on one side may have thought the express prohibition against fortification was dropped because unfair to the United States, the negotiator on the other side may have thought it was dropped because needless and in effect superseded by the express permission to protect the canal by military police. The Hay memorandum wholly fails to explain the military police clause or to show why, if the inhibition against fortification was not repeated in terms, the United States accepted the grant of a right to protect the canal by military police.

Yet, if Mr. Hay's view was that the treaty left the United States with all the ordinary rights of an owner of the canal, which would include the right to police by military force, why was the express grant of that right allowed to stay in the treaty?

By the first canal treaty—the Clayton-Bulwer treaty—the canal was to be protected by general agreement among all civilized powers.

By the first Hay treaty, though fortification was debarred and a military police authorized, it was also to be defended in time of peace as in time of war by the forces of the United States.

By the second and successful Hay treaty defense of the canal by the United States forces was dropped, fortification as a means of such defense was not mentioned, and military policing of the canal alone remained as the agreed mode of the defense of the canal as against lawlessness and disorder.

Why was the United States content with this provision, which, it will be observed, looks to the defense of the canal as against lawlessness and disorder only and not against war?

Because, in the view of Mr. Hay, as his memorandum states, war between the parties to the treaty or between the United States and any other party would have the usual effect upon the treaty and would enable the United States to close the canal.

It is plain, therefore, from Mr. Hay's memorandum itself, that the parties to the treaty dealt with canal defense only in time of peace, considered that for such defense in time of peace only military policing against lawlessness and disorder was necessary, did not undertake to anticipate the exigencies of war and provide means of meeting them, but were satisfied that in the

event of war and the consequent abrogation of treaties, the United States could thoroughly protect itself by its power to close the canal and by whatever other means might be necessary.

## **The Chicago Peace Society and the Field Secretaryship.**

BY CHARLES E. BEALS, FIELD SECRETARY.

The Ottawa (Ill.) Business Men's Association held its annual banquet January 26. The Field Secretary was one of the guests of the evening, speaking on "Why Business Men Are Interested in the International Peace Movement."

The same evening Hon. Bourke Cockran addressed the Commercial Club of Chicago at its annual banquet. Mr. Cockran stated that modern armaments were one cause of the high cost of living. His plea for the completion of an international court of justice was most eloquent, evoking long-continued applause. The address was a notable one and made a profound impression.

At a banquet of the Hawkeye Fellowship Club at the Auditorium Hotel, January 31, the Field Secretary sketched the history and development of the organized movement for international peace. An interesting and profitable informal discussion followed the address.

February—month of Washington and Lincoln—has been largely devoted to the subject of patriotism. In the midst of a raging blizzard the Field Secretary gave two addresses in the Washington Park Congregational Church, Sunday evening, February 5.

At the Garrett Biblical Institute, Evanston, February 9, he lectured on "The Enlargement of Patriotism Necessitated by the Growth of Internationalism."

The Maxwell Settlement arranged a Lincoln meeting at West Park No. 2, February 11, at which the Field Secretary showed that the martyr President's spirit of justice and humanity was being organized in the peace movement and wrought out into international conferences and courts.

A similar meeting was held at the Fellowship House on Lincoln Sunday, February 12. The preparations for this meeting were made by two of our faithful peace members, Mr. Frank and Mrs. (Amalie Hofer) Jerome. The Secretary reviewed Mr. Lincoln's career as an idealist, and, by many illustrations, showed how idealists ultimately triumph.

The Independent Religious Society (Rationalist), of which M. M. Mangasarian is the lecturer, held its eleventh annual banquet in the Gold Room of the Congress Hotel February 16. One of the post-prandial addresses was delivered by the Field Secretary, who spoke on "Synthetic Patriotism."

Before the Woodlawn Woman's Club, February 21, the subject of "Patriotism in an Internationalized World" was presented. The same theme was discussed by the Field Secretary at the special patriotic exercises at Iowa College, Grinnell, Iowa, on Washington's Birthday.

Count Albert Apponyi, one of the leading statesmen of Hungary, visited Chicago in his recent tour of American cities, speaking before various clubs and at public meetings specially arranged. Considerable excitement was stirred up by the Slavs, who regard Count Apponyi

as an enemy because of his policies as Minister of Public Instruction of Hungary.

The first monthly meeting and luncheon of the new executive committee of the Chicago Peace Society was held early in the month. A spirit of comradeship and hopefulness animated all and a good year is expected. The new president, Mr. Leroy A. Goddard, who for some years has been offering one hundred dollars annually for prizes to the pupils in the public schools of his native town, will this year prescribe some phase of the arbitration or peace movement as the subject to be treated.

The Chicago Association of Commerce is about to send a delegation to Japan. Some of the delegates are members of our Peace Society. Letters of introduction have been written to some of the leading peace workers of Japan.

We are looking forward with pleasure to the visit to Chicago of the Baron d'Estournelles de Constant, who will be with us about May 1. The details are nearly completed for his visit. Our distinguished visitor will be the guest of some of the most important organizations in the city, and an opportunity will be afforded our leading citizens to meet one of the most eminent and charming leaders of the peace movement.

153 LaSalle Street, Chicago.

## **The Defects of Arbitration as a Means of Settling International Disputes.**

DR. CHARLES W. ELIOT, PRESIDENT EMERITUS OF HARVARD UNIVERSITY.

The American Society for Judicial Settlement of International Disputes advocates the establishment of a permanent court of justice, supported pecuniarily by the nations jointly, capable of gradually establishing precedents by which it would be governed, and therefore of building up international law and international practice before the court. This is something very different from a provision of arbitrators or umpire for each dispute; yet it is by international arbitration before special tribunals that peace between the nations has been most effectively promoted during the past fifty years. The public has become habituated to the idea of arbitration between nations; and the Hague Conference of 1907 arrived at an agreement or convention concerning an international court of arbitral justice. This invaluable action on the part of that Conference seems, however, to imply an arbitration between two disputants to which both have consented to be conducted by a special and temporary tribunal, rather than an adjudication of the rights of the disputants by a permanent tribunal to which all international disputes between the nations accepting and supporting the tribunal should be referred.

It is natural that public opinion has not as yet gone much beyond the arbitration method as means of preventing war. Within the last fifty years many international disputes have been settled by special arbitral tribunals or single umpires; and recognition of the good results of arbitration in the past tends to make men who would promote peace rely on that method for the future. Nevertheless, as has often been pointed out, there are many objections to international arbitration. In the first place, the tribunal is special and temporary, and it is